

1 938.245 (6) TERMINATION IF DELINQUENCY PETITION FILED. A deferred prosecution
2 agreement arising out of an alleged delinquent act is terminated if the district
3 attorney files a delinquency petition within 20 days after receipt of notice of the
4 deferred prosecution agreement under s. 938.24 (5). ~~In such case~~ If a petition is filed,
5 statements made to the intake worker during the intake inquiry are inadmissible.

6 (7) CANCELLATION BY INTAKE WORKER. (a) If at any time during the period of a
7 deferred prosecution agreement the intake worker determines that the obligations
8 imposed under it are not being met, the intake worker may cancel the deferred
9 prosecution agreement. Within 10 days after the ~~cancellation of the deferred~~
10 ~~prosecution agreement~~ is cancelled, the intake worker shall notify the district
11 attorney, corporation counsel, or other official under s. 938.09 of the cancellation and
12 may request that a petition be filed. In delinquency cases, the district attorney may
13 initiate a petition within 20 days after the date of the notice regardless of whether
14 the intake worker has requested that a petition be filed. The judge court shall grant
15 appropriate relief as provided in under s. 938.315 (3) with respect to any petition
16 ~~which that~~ is not filed within the time limit specified in this subsection paragraph.
17 Failure to object if a petition is not filed within the time limit specified in this
18 subsection paragraph waives that time limit.

19 (b) In addition to the action taken under par. (a), if the intake worker cancels
20 a deferred prosecution agreement based on a determination that the juvenile's
21 parent, guardian, or legal custodian is not meeting the obligations imposed under the
22 agreement, the intake worker shall request the district attorney, corporation
23 counsel, or other official under s. 938.09 to file a petition requesting the court to order
24 the juvenile's parent, guardian, or legal custodian to show good cause for not meeting
25 the obligations imposed under the agreement. ~~If the district attorney, corporation~~

If

① ~~counsel or other official under s. 938.09 files~~ a petition under this paragraph is filed
2 and if the court finds prosecutive merit for the petition, the court shall grant an order
3 directing the parent, guardian, or legal custodian to show good cause, at a time and
4 place fixed by the court, for not meeting the obligations ~~imposed under the~~
5 ~~agreement~~. If the parent, guardian or legal custodian does not show good cause for
6 ~~not meeting the obligations imposed under the agreement~~, the court may impose a
7 forfeiture not to exceed \$1,000.

8 (8) WHEN OBLIGATIONS MET. If the obligations imposed under the deferred
9 prosecution agreement are met, the intake worker shall so inform the juvenile and
10 a parent, guardian, and legal custodian in writing, ~~and no~~. No petition may be filed
11 or citation issued on the charges that brought about the ~~deferred prosecution~~
12 ~~agreement nor may~~ and the charges may not be the sole basis for a petition under
13 s. 48.13, 48.133, 48.14, 938.13, or 938.14.

14 (9) WRITTEN POLICIES. The intake worker shall perform his or her
15 responsibilities under this section under general written policies ~~which the judge~~
16 ~~shall promulgate~~ promulgated under s. 938.06 (1) or (2).

17 **SECTION 253.** 938.25 (1) to (2m) of the statutes are amended to read:

18 938.25 (1) REQUIREMENTS: WHO MAY FILE. A petition initiating proceedings
19 under this chapter shall be signed by a person who has knowledge of the facts alleged
20 or is informed of them and believes them to be true. If The district attorney shall
21 prepare, sign, and file a petition under s. 938.12 ~~is to be filed, it shall be prepared,~~
22 ~~signed and filed by the district attorney~~. The district attorney, corporation counsel,
23 or other appropriate official specified under s. 938.09 may file ~~the a~~ petition if the
24 proceeding is under s. 938.125 or 938.13. The counsel or guardian ad litem for a
25 parent, relative, guardian, or juvenile may file a petition under s. 938.13 or 938.14.

1 The district attorney, corporation counsel or other appropriate person designated by
2 the court may initiate proceedings under s. 938.14 in a manner specified by the court.

3 (2) TIME LIMITS; REFERRAL BACK. (a) The district attorney, corporation counsel,
4 or other appropriate official shall file the petition, close the case, or refer the case
5 back to intake or, with notice to intake, the law enforcement agency investigating the
6 case within 20 days after the date that the intake worker's request was filed. A
7 referral back to intake or to the law enforcement agency investigating the case may
8 be made only when the district attorney, corporation counsel, or other appropriate
9 official decides not to file a petition or determines that further investigation is
10 necessary. If the case is referred back to intake upon a decision not to file a petition,
11 the intake worker shall close the case or enter into a deferred prosecution agreement
12 within 20 days after the date of the referral. If the case is referred back to intake or
13 to the law enforcement agency investigating the case for further investigation, the
14 appropriate agency or person shall complete the investigation within 20 days after
15 the date of the referral. If another referral is made to the district attorney,
16 corporation counsel, or other appropriate official by intake or by the law enforcement
17 agency investigating the case, it shall be considered a new referral to which the time
18 limits of this subsection shall apply. The time limits in this subsection may only be
19 extended by a ~~judge~~ court upon a showing of good cause under s. 938.315. If a petition
20 is not filed within the time ~~limitations set forth~~ limits in this subsection and the court
21 has not granted an extension, the petition shall be accompanied by a statement of
22 reasons for the delay. The court shall grant appropriate relief as provided in s.
23 938.315 (3) with respect to a petition ~~which~~ that is not filed within the time limits
24 specified in this paragraph. Failure to object if a petition is not filed within the time
25 limits specified in this paragraph waives those time limits.

PLAIN

(b) In delinquency cases where in which there has been a case closure or deferred prosecution agreement, the petition shall be filed within 20 days of after receipt of the notice of the closure or ~~deferred prosecution agreement~~. Failure to file within those 20 days invalidates the petition and affirms the case closure or ~~deferred~~ prosecution agreement, except that the court shall grant appropriate relief as ~~provided in under~~ s. 938.315 (3) with respect to a petition that is not filed within the time limit specified in this paragraph and that failure. ~~Failure~~ to object if a petition is not filed within the time limit specified in this paragraph waives that time limit. PLAIN

If a petition is filed within those 20 days or the time permitted by the court under s. 938.315 (3), whichever is later, the district attorney shall notify the parties to the agreement and the intake worker of the filing as soon as possible.

(2g) AMERICAN INDIAN JUVENILE; CONSULTATION WITH TRIBAL COURT If the circumstances described in s. 938.24 (2r) (a) apply, before filing a petition under s. 938.12 or 938.13 (12) the district attorney or corporation counsel shall determine whether the intake worker has received notification under s. 938.24 (2r) (b) from a tribal official that a petition relating to the alleged delinquent act has been or may be filed in tribal court. If the intake worker has received ~~that~~ the notification or if a tribal official has provided ~~that~~ the notification directly to the district attorney or corporation counsel, the district attorney or corporation counsel shall attempt to consult with appropriate tribal officials before filing a petition under s. 938.12 or 938.13 (12).

(2m) NOTICE TO VICTIMS IF NO PETITION FILED. If a juvenile is alleged to be delinquent under s. 938.12 or to be in need of protection or services under s. 938.13 (12) and the district attorney or corporation counsel decides not to file a petition, the district attorney or corporation counsel shall make a reasonable attempt to inform

1 all of the known victims of the juvenile's act that a petition will not be filed against
2 the juvenile at that time.

3 **SECTION 254.** 938.25 (3) of the statutes is amended to read:

4 938.25 (3) COURT ORDER FOR FILING OF PETITION. If the district attorney,
5 corporation counsel, or other appropriate official under s. 938.09 refuses to file a
6 petition, any person may request the judge court to order that the petition be filed
7 and a hearing shall be held on the request. The judge court may order the filing of
8 the petition on his or her its own motion. The matter may not be heard by the judge
9 who court that orders the filing of a petition.

10 **SECTION 255.** 938.25 (4) (title), (5) (title) and (6) (title) of the statutes are
11 created to read:

12 938.25 (4) (title) TIME LIMIT ON PROSECUTION.

13 (5) (title) CITATION AS INITIAL PLEADING.

14 (6) (title) TEMPORARY RESTRAINING ORDER AND INJUNCTION.

15 **SECTION 256.** 938.255 (1) (intro.) (c) and (cm) of the statutes are amended to
16 read:

17 938.255 (1) TITLE AND CONTENTS. (intro.) A petition initiating proceedings
18 under this chapter, other than a petition initiating proceedings under s. 938.12,
19 938.125, or 938.13 (12), shall be entitled, "In the interest of (juvenile's name), a
20 person under the age of 18". A petition initiating proceedings under s. 938.12,
21 938.125, or 938.13 (12) shall be entitled, "In the interest of (juvenile's name), a person
22 under the age of 17". A petition initiating proceedings under this chapter shall set
23 forth with specificity specify all of the following:

24 (c) Whether the juvenile is in custody, and, if so, the place where the juvenile
25 is being held and the time he or she was taken into custody unless there is reasonable

1 cause to believe that such ~~disclosure~~ disclosures would result in imminent danger to
2 the juvenile or physical custodian.

3 (cm) If the petition is initiating proceedings other than proceedings under s.
4 938.12, 938.125 or 938.13 (12), whether the juvenile may be subject to the federal
5 Indian child welfare act Child Welfare Act, 25 USC 1901 to 1963.

6 **SECTION 257.** 938.255 (1) (e) of the statutes is amended to read:

7 938.255 (1) (e) If the juvenile is alleged to come within the provisions of s.
8 938.13 (4), (6), (6m), (7), or (14) or 938.14, reliable and credible information which
9 forms the basis of the allegations necessary to invoke the jurisdiction of the court and
10 to provide reasonable notice of the conduct or circumstances to be considered by the
11 court together with a statement that the juvenile is in need of supervision, services,
12 care, or rehabilitation.

13 **SECTION 258.** 938.255 (2) (title) of the statutes is created to read:

14 938.255 (2) (title) FACTS NOT KNOWN.

15 **SECTION 259.** 938.255 (3) of the statutes is amended to read:

16 938.255 (3) IF CERTAIN INFORMATION NOT STATED. If the information required
17 under sub. (1) (d) or (e) is not stated the petition shall be dismissed or amended under
18 s. 938.263 (2) ^{(b)(4)} or dismissed. ^(c) PARENTS

19 **SECTION 260.** 938.255 (4) (title) of the statutes is created to read:

20 938.255 (4) (title) COPY TO JUVENILE AND OTHERS.

21 **SECTION 261.** 938.263 (1) (title) of the statutes is created to read:

22 938.263 (1) (title) TO CURE DEFECT.

23 **SECTION 262.** 938.263 (2) (title) of the statutes is created to read:

24 938.263 (2) (title) BEFORE OR AFTER PLEA.

25 **SECTION 263.** 938.265 of the statutes is amended to read:

1 **938.265 Consultation with victims.** In a case in which the juvenile is alleged
2 to be delinquent under s. 938.12 or to be in need of protection or services under s.
3 938.13 (12), the district attorney or corporation counsel shall, as soon as practicable
4 but ~~in any event~~ before the plea hearing under s. 938.30, offer all of the victims of the
5 juvenile's alleged act who have so requested ~~the opportunity~~ an opportunity to confer
6 with the district attorney or corporation counsel concerning the possible outcomes
7 of the proceeding against the juvenile, including potential plea agreements and
8 recommendations that the district attorney or corporation counsel may make
9 concerning dispositions under s. 938.34 or 938.345. The duty to ~~offer~~ ^{offer ~~an~~ an opportunity to} confer under this
section does not limit the obligation of the district attorney or corporation counsel to
exercise his or her discretion concerning the handling of the proceeding against the
juvenile.

13 **SECTION 264.** 938.27 (1) (title), (2) (title) and (3) (title) of the statutes are
14 created to read:

15 938.27 (1) (title) SUMMONS; WHEN ISSUED.

16 (2) (title) SUMMONS; NECESSARY PERSONS.

17 (3) (title) NOTICE OF HEARINGS.

18 **SECTION 265.** 938.27 (3) (a) 1. of the statutes is amended to read:

19 938.27 (3) (a) 1. The court shall also notify, under s. 938.273, the juvenile, any
20 parent, guardian, and legal custodian of the juvenile, any foster parent, treatment
21 foster parent or other physical custodian described in s. 48.62 (2) of the juvenile, and
22 any person specified in par. (b), if applicable, of all hearings involving the juvenile
23 under this subchapter, except hearings on motions for which notice ~~need only~~ must
24 be provided only to the juvenile and his or her counsel. ~~Where~~ If parents entitled to
25 notice have the same place of residence, notice to one ~~shall constitute~~ constitutes

1 notice to the other. The first notice to any interested party, foster parent, treatment
2 foster parent, or other physical custodian described in s. 48.62 (2) shall be ~~written~~
3 in writing and may have a copy of the petition attached to it. ~~Thereafter, notice of~~
4 Notices of subsequent hearings may be given by telephone at least 72 hours before
5 the time of the hearing. The person giving telephone notice shall place in the case
6 file a signed statement of the date and time notice was given and the person to whom
7 he or she spoke.

8 **SECTION 266.** 938.27 (4) (title) of the statutes is created to read:

9 938.27 (4) (title) CONTENTS OF NOTICE.

10 **SECTION 267.** 938.27 (4m), (5) and (6) of the statutes are amended to read:

11 938.27 (4m) NOTICE TO VICTIMS ~~OF HEARINGS~~ The district attorney or
12 corporation counsel shall make a reasonable attempt to contact any known victim or
13 alleged victim of a juvenile's act or alleged act to inform them of the right to receive
14 notice of any hearing under this chapter involving the juvenile. If a victim or alleged
15 victim indicates that he or she wishes to receive that notice ~~of any hearing under this~~
16 ~~chapter involving the juvenile~~, the district attorney or corporation counsel shall
17 make a reasonable attempt to notify, under s. 938.273, that victim or alleged victim
18 of any hearing under this chapter involving the juvenile. ~~Any failure~~ Failure to
19 comply with this subsection is not a ground for an appeal of a judgment or
20 dispositional order or for any court to reverse or modify a judgment or dispositional
21 order.

22 (5) NOTICE TO BIOLOGICAL FATHERS. Subject to sub. (3) (b), the court shall make
23 every reasonable effort efforts to identify and notify any person who has filed a
24 declaration of interest under s. 48.025 and any person who has been adjudged to be

1 the biological father of the juvenile in a judicial proceeding unless the biological
2 father's rights have been terminated.

3 (6) INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a proceeding
4 is initiated under s. 938.14, all interested parties shall receive notice and appropriate
5 summons shall be issued in a manner specified by the court, ~~consistent with~~
6 ~~applicable governing statutes. In addition, if~~ If the juvenile who is the subject of
7 the proceeding is in the care of a foster parent, treatment foster parent, or other
8 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
9 treatment foster parent, or other physical custodian notice and an opportunity to be
10 heard as provided in sub. (3) (a).

11 **SECTION 268.** 938.27 (7) (title) and (8) (title) of the statutes are created to read:

12 938.27 (7) (title) CITATIONS AS NOTICE.

13 (8) (title) REIMBURSE LEGAL COUNSEL COSTS IN CERTAIN CASES; NOTICE.

14 **SECTION 269.** 938.273 (1) of the statutes is renumbered 938.273 (1) (a) and
15 amended to read:

16 938.273 (1) METHODS OF SERVICE; CONTINUANCE. (a) Service of summons or
17 notice required by s. 938.27 may be made by mailing a copy thereof to the persons
18 summoned or notified. If the persons, other than a person specified in s. 938.27 (4m),
19 fail to appear at the hearing or otherwise to acknowledge service, a continuance shall
20 be granted, except where the court determines otherwise because the juvenile is in
21 secure custody as provided under par. (b), and service shall be made personally by delivering to
22 the persons a copy of the summons or notice; except that if ~~except that if~~ ^{PLAIN} the court is satisfied
23 determines that it is impracticable to serve the summons or notice personally, it may
24 make an order providing for the service of the summons or notice by certified mail
25 addressed to the last-known addresses of the persons.

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¶ 938.273 (1) (title) ✓

(b) The court may refuse to grant a continuance when the juvenile is being held in secure custody, but ~~in such a case the court~~ if the court so refuses, it shall order that service of notice of the next hearing be made personally or by certified mail to the last-known address of the person who failed to appear at the hearing.

(c) Personal service shall be made at least 72 hours before ~~the time of the~~ hearing. Mail shall be sent at least 7 days before ~~the time of the~~ hearing, except where ^{that} when the petition is filed under s. 938.13 and the person to be notified lives outside the state, ~~in which case~~ the mail shall be sent at least 14 days before ~~the time~~ of the hearing.

SECTION 270. 938.273 (2) (title) and (3) (title) of the statutes are created to read:

938.273 (2) (title) BY WHOM MADE.

(3) (title) EXPENSES; CHARGE ON COUNTY.

SECTION 271. 938.275 (1) (title) and ~~(2) (title)~~ of the statutes ~~are~~ created to read:

938.275 (1) (title) EXPENSE OF CUSTODY, SERVICES, SANCTIONS, OR PLACEMENT.

(2) (title) LEGAL COUNSEL; INDIGENCY.

SECTION 272. 938.275 (1) (c) of the statutes is amended to read:

938.275 (1) (c) If the court imposes a sanction on a juvenile as specified in s. 938.355 (6) (d) or (6m) (a) or (ag) or finds the juvenile in contempt under s. 938.355 (6g) (b) and orders a disposition under s. 938.34 or if the juvenile is placed in a secure juvenile detention facility or place of nonsecure custody under s. 938.355 (6d) (a), (b), or (c) or 938.534 (1) (b) or (c), the court shall order the parents of the juvenile to contribute toward the cost of the sanction, disposition or placement the proportion of the total amount which the court finds the parents are able to pay.

SECTION 273. 938.275 (2) (a) of the statutes is renumbered 938.275 (2) (a) (intro.) and amended to read:

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1 938.275 (2) (a) (intro.) If ~~this~~ the state or a county provides legal counsel to a
2 juvenile subject to a proceeding under s. 938.12 or 938.13, the court shall order the
3 juvenile's parent to reimburse the state or county ~~in accordance with~~ under par. (b)
4 or (c). The court may not order reimbursement if a either of the following apply:

5 1. A parent is the complaining or petitioning party ~~or if the~~.

6 2. The court finds that the interests of the parent and the interests of the
7 juvenile in the proceeding are substantially and directly adverse and that
8 reimbursement would be unfair to the parent.

9 ~~(am)~~ (am) The court may not order reimbursement until the completion of the
10 proceeding or until the state or county is no longer providing the juvenile with legal
11 counsel in the proceeding.

12 **SECTION 274.** 938.275 (2) (b) and (c) of the statutes are amended to read:

13 938.275 (2) (b) If ~~this~~ the state provides the juvenile with legal counsel and the
14 court orders reimbursement under par. (a), the juvenile's parent may request the
15 state public defender to determine whether the parent is indigent as provided under
16 s. 977.07 and ~~to determine~~ the amount of reimbursement. If the parent is found not
17 to be indigent, the amount of reimbursement shall be the maximum amount
18 established by the public defender board. If the parent is found to be indigent in part,
19 the amount of reimbursement shall be the amount of partial payment determined
20 ~~in accordance with the~~ under rules of the public defender board promulgated under
21 s. 977.02 (3).

22 (c) If the county provides the juvenile with legal counsel and the court orders
23 reimbursement under par. (a), the court shall ~~either~~ make a determination of
24 indigency or ~~shall~~ appoint the county department to make the determination. If the
25 court or the county department finds that the parent is not indigent or is indigent

1 in part, the court shall establish the amount of reimbursement and shall order the
2 parent to pay it.

3 **SECTION 275.** 938.275 (2) (cg) 3. of the statutes is amended to read:

4 938.275 (2) (cg) 3. The court's finding, under par. (a) 2, that the interests of the
5 parent and the juvenile are not substantially and directly adverse and that ordering
6 the payment of reimbursement would not be unfair to the parent.

7 **SECTION 276.** 938.28 of the statutes is amended to read:

8 **938.28 Failure to obey summons; capias.** If any person summoned under
9 this chapter fails without reasonable cause to appear, he or she may be proceeded
10 against for contempt of court under ch. 785. In case If the summons cannot be
11 served or if the parties served fail to obey respond to the same summons, or in any
12 case when if it appears to the court that the service will be ineffectual, a capias may
13 be issued for the parent, guardian, and legal custodian or for the juvenile.
14 Subchapter IV governs the taking and holding of a juvenile in custody.

15 **SECTION 277.** 938.29 (1) of the statutes is amended to read:

16 938.29 (1) REQUEST FOR SUBSTITUTION. Except as provided in under sub. (1g), the
17 juvenile, either before or during the plea hearing, may file a written request with the
18 clerk of the court or other person acting as the clerk for a substitution of the judge
19 assigned to the proceeding. Upon Immediately upon filing the written request, the
20 juvenile shall ~~immediately~~ mail or deliver a copy of the request to the judge named
21 ~~therein~~ in the request. In a proceeding under s. 938.12 or 938.13 (12), only the
22 juvenile may request a substitution of the judge. ~~Whenever~~ If the juvenile has the
23 right to request a substitution of judge, the juvenile's counsel or guardian ad litem
24 may file the request. Not more than one ~~such~~ written request may be filed in any one

1 proceeding, ~~nor may~~ ^{does} ~~and any~~ ^{no} single request ~~may not~~ name more than one judge. This
2 section ~~shall~~ not apply to proceedings under s. 938.21.

3 SECTION 278. 938.29 (1g) of the statutes is renumbered 938.29 (1g) (intro.) and
4 amended to read:

5 938.29 (1g) WHEN SUBSTITUTION REQUEST NOT PERMITTED. (intro.) The juvenile
6 may not request the substitution of a judge in a proceeding under s. 938.12 or 938.13
7 (12), and the juvenile and the juvenile's parent, guardian, or legal custodian may not
8 request the substitution of a judge in a proceeding under s. 938.13 (4), (6), (6m), or
9 (7), if the any of the following apply:

10 (a) The judge assigned to the proceeding has entered a dispositional order with
11 respect to the juvenile in a previous proceeding under s. 48.12, 1993 stats., s. 48.13
12 (4), (6), (6m), (7), or (12), 1993 stats., s. 938.12, or 938.13 (4), (6), (6m), (7), or (12) ~~or~~
13 ~~the~~.

14 (b) The juvenile or the juvenile's parent, guardian, or legal custodian has
15 requested the substitution of a judge in a previous proceeding under s. 48.12, 1993
16 stats., s. 48.13 (4), (6), (6m), (7) or (12), 1993 stats., s. 938.12 or 938.13 (4), (6), (6m),
17 (7) or (12).

18 SECTION 279. 938.29 (1m) of the statutes is amended to read:

19 938.29 (1m) ASSIGNMENT OF NEW JUDGE. When the clerk receives a request for
20 substitution, the clerk shall immediately contact the judge whose substitution has
21 been requested for a determination of whether the request was made timely and in
22 proper form. Except ~~as provided in~~ ^{plan} ~~under~~ sub. (2), if the request is found to be timely
23 and in proper form, the judge named in the request has no further jurisdiction and
24 the clerk shall request the assignment of another judge under s. 751.03. If no
25 determination is made within 7 days after receipt of the request for substitution, the

1 clerk shall refer the matter to the chief judge of the judicial administrative district
2 for determination of whether the request was made timely and in proper form and
3 for reassignment as necessary.

4 **SECTION 280.** 938.29 (2) (title) of the statutes is created to read:

5 938.29 (2) (title) SUBSTITUTION OF JUDGE SCHEDULED TO CONDUCT WAIVER HEARING.

6 **SECTION 281.** 938.293 (1) of the statutes is amended to read:

7 938.293 (1) LAW ENFORCEMENT REPORTS. Copies of all law enforcement officer
8 reports, including ~~but not limited to~~ the officer's memorandum and witnesses'
9 statements, shall be made available upon request to counsel or guardian ad litem
10 prior to a plea hearing. The reports shall be available through the representative of
11 the public designated under s. 938.09. The juvenile, through counsel or guardian ad
12 litem, is the only party who shall have access to the reports in proceedings under s.
13 938.12, 938.125, or 938.13 (12). The identity of a confidential informant may be
14 withheld ~~pursuant to~~ under s. 905.10.

15 **SECTION 282.** 938.293 (2) (title) of the statutes is created to read:

16 938.293 (2) (title) RECORDS RELATING TO JUVENILE.

17 **SECTION 283.** 938.293 (3) of the statutes is amended to read:

18 938.293 (3) VIDEOTAPED ORAL STATEMENT. Upon request prior to the fact-finding
19 hearing, the district attorney shall disclose to the juvenile, and to the juvenile's
20 counsel or guardian ad litem, the existence of any videotaped oral statement of a
21 juvenile under s. 908.08 ~~which~~ that is within the possession, custody, or control of the
22 state and shall make reasonable arrangements for the requesting person to view the
23 ~~videotaped oral~~ statement. If, subsequent to compliance with this subsection, the
24 state obtains possession, custody, or control of ~~such a~~ the videotaped oral statement,
25 the district attorney shall promptly notify the requesting person of that fact and

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A 938.295(1)(title)

1 make reasonable arrangements for the requesting person to view the videotaped oral
2 statement.

3 SECTION 284. 938.295 (1) of the statutes is renumbered 938.295 (1) (a) and
4 amended to read:

5 938.295 (1) EXAMINATION OR ASSESSMENT OF JUVENILE OR PARENT (a) After the
6 filing of a petition and upon a finding by the court that reasonable cause exists to
7 warrant an a physical, psychological, mental, or developmental examination or an
8 alcohol and other drug abuse assessment that conforms to the criteria specified
9 under s. 938.547 (4), the court may order any a juvenile coming within its jurisdiction
10 to be examined as an outpatient by personnel in an approved treatment facility for
11 alcohol and other drug abuse, by a physician, psychiatrist, or licensed psychologist,
12 or by another expert appointed by the court holding at least a master's degree in
13 social work or another related field of child development, in order that the juvenile's
14 physical, psychological, alcohol or other drug dependency, mental, or developmental
15 condition may be considered. The court may also order an examination or an alcohol
16 and other drug abuse assessment that conforms to the criteria specified under s.
17 938.547 (4) of a parent, guardian, or legal custodian whose ability to care for a
18 juvenile is at issue before the court.

19 (b) The court shall hear any objections by the juvenile and the juvenile's
20 parents, guardian, or legal custodian to the request under par. (a) for such an
21 examination or assessment before ordering the examination or assessment.

22 (c) The expenses of an examination, if approved by the court, shall be paid by
23 the county of the court ordering the examination. The payment for an alcohol and
24 other drug abuse assessment shall be in accordance with s. 938.361.

25 SECTION 285. 938.295 (1c) (intro.) of the statutes is amended to read:

1 938.295 (1c) REASONABLE CAUSE FOR ASSESSMENT; WHEN. (intro.) Reasonable
2 cause ~~is considered to exist~~ exists to warrant an alcohol and other drug abuse
3 assessment under sub. (1) if any of the following applies:

4 **SECTION 286.** 938.295 (1g) of the statutes is amended to read:

5 938.295 (1g) REPORT OF RESULTS AND RECOMMENDATIONS. If the court orders an
6 alcohol or other drug abuse assessment under sub. (1), the approved treatment
7 facility shall, within 14 days after the court order, report the results of the
8 assessment to the court, ~~except that, upon request.~~ If requested by the approved
9 ~~treatment~~ ^{PLAIN} facility and if the juvenile is not held in secure or nonsecure custody, the
10 court may extend the period for assessment for not more than 20 additional working
11 days. The report shall include a recommendation as to whether the juvenile is in
12 need of treatment, intervention, or education relating to the use or abuse of alcohol
13 beverages, controlled substances, or controlled substance analogs and, if so, shall
14 recommend a service plan and appropriate treatment from an approved treatment
15 facility, intervention from a court-approved pupil assistance program, or education
16 from a court-approved alcohol or other drug abuse education program. ^{NO SCORING}

17 **SECTION 287.** 938.295 (2) (a) of the statutes is amended to read: ^(D)

18 938.295 (2) NOT COMPETENT OR NOT RESPONSIBLE. (a) If there is probable cause
19 to believe that the juvenile has committed the alleged offense and if there is reason
20 to doubt the juvenile's competency to proceed, or upon entry of a plea under s. 938.30
21 (4) (c), the court shall order the juvenile to be examined by a psychiatrist or licensed
22 psychologist. ~~The~~ If the cost of the examination, ~~if is~~ approved by the court, the cost
23 shall be paid by the county of the court ordering the examination, and the county may
24 recover that cost from the juvenile's parent or guardian ~~as provided in~~ under par. (c).
25 Evaluation shall be made on an outpatient basis unless the juvenile presents a

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4

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1 substantial risk of physical harm to the juvenile or others; or the juvenile, parent,
2 or guardian, and legal counsel or guardian ad litem, consent to an inpatient
3 evaluation. ~~Any~~ An inpatient evaluation shall be ~~for~~ completed in a specified period
4 that is no longer than is necessary ~~to complete the evaluation.~~

5 **SECTION 288.** 938.295 (2) (b) of the statutes is renumbered 938.295 (2) (b) 1. and
6 is amended to read:

7 938.295 (2) (b) 1. The examiner shall file a report of the examination with the
8 court by the date specified in the order. The court shall cause copies to be transmitted
9 to the district attorney or corporation counsel and to the juvenile's counsel or
10 guardian ad litem. The report shall describe the nature of the examination and,
11 identify the persons interviewed, the particular records reviewed, and any tests
12 administered to the juvenile and state in reasonable detail the facts and reasoning
13 upon which the examiner's opinions are based.

14 2. If the examination is ordered following a plea under s. 938.30 (4) (c), the
15 report shall also contain an opinion regarding whether the juvenile suffered from
16 mental disease or defect at the time of the commission of the act alleged in the
17 petition and, if so, whether this caused the juvenile to lack substantial capacity to
18 appreciate the wrongfulness of his or her conduct or to conform his or her conduct to
19 the requirements of the law.

20 3. If the examination is ordered following a finding that there is probable cause
21 to believe that the juvenile has committed the alleged offense and that there is reason
22 to doubt the juvenile's competency to proceed, the report shall also contain an opinion
23 regarding the juvenile's present mental capacity to understand the proceedings and
24 assist in his or her defense and, if the examiner reports that the juvenile lacks
25 competency to proceed, the examiner's opinion regarding the likelihood that the

1 juvenile, if provided treatment, may be restored to competency within the time
2 specified in s. 938.30 (5) (e) 1. ~~The report shall also state in reasonable detail the facts~~
3 ~~and reasoning upon which the examiner's opinions are based.~~

4 **SECTION 289.** 938.295 (3) of the statutes is amended to read:

5 938.295 (3) OBJECTION TO A PARTICULAR PROFESSIONAL. If the juvenile or a parent
6 objects to a particular physician, psychiatrist, licensed psychologist, or other expert
7 ~~as required under this section~~, the court shall appoint a different physician,
8 psychiatrist, psychologist or other expert. as required under this section

9 **SECTION 290.** 938.295 (4) (title) of the statutes is created to read:

10 938.295 (4) (title) TELEPHONE OR LIVE AUDIOVISUAL PROCEEDING.

11 **SECTION 291.** 938.296 (1) (title) and (2) (title) of the statutes are created to read:

12 938.296 (1) (title) DEFINITIONS.

13 (2) (title) SEXUALLY TRANSMITTED DISEASE TESTING.

14 **SECTION 292.** 938.296 (2m) (title) of the statutes is created to read:

15 938.296 (2m) (title) COMMUNICABLE DISEASE TESTING.

16 **SECTION 293.** 938.296 (2m) (b) of the statutes is amended to read:

17 938.296 (2m) (b) The district attorney or corporation counsel has probable
18 cause to believe that the act or alleged act of the juvenile that constitutes a violation
19 of s. 946.43 (2m) carried a potential for transmitting a communicable disease to the
20 victim or alleged victim and involved the juvenile's blood, semen, vomit, saliva, urine
21 or, feces, or other bodily substance of the juvenile. plain

22 **SECTION 294.** 938.296 (3) (title), (4) (title), (5) (title) and (6) (title) of the statutes
23 are created to read:

24 938.296 (3) (title) WHEN ORDER MAY BE SOUGHT.

25 (4) (title) DISCLOSURE OF SEXUALLY TRANSMITTED DISEASE TEST RESULTS.

1 (5) (title) DISCLOSURE OF COMMUNICABLE DISEASE TEST RESULTS.

2 (6) (title) PAYMENT FOR TEST COSTS.

3 SECTION 295. 938.2965 (1) (title) of the statutes is created to read:

4 938.2965 (1) (title) DEFINITION.

5 SECTION 296. 938.2965 (2) of the statutes is amended to read:

6 938.2965 (2) COUNTY TO PROVIDE. If an area is available and use of the area is
7 practical, a county shall provide a waiting area for a victim or witness to use during
8 hearings under this chapter that if is separate from any area used by the juvenile,
9 the juvenile's relatives, and witnesses for the juvenile. If a separate waiting area is
10 not available or its use is not practical, a county shall provide other means to
11 minimize the contact between the victim or witness and the juvenile, the juvenile's
12 relatives, and witnesses for the juvenile during hearings under this chapter.

13 SECTION 297. 938.297 (1) (title) of the statutes is created to read:

14 938.297 (1) (title) MOTIONS ABLE TO BE DETERMINED WITHOUT TRIAL.

15 SECTION 298. 938.297 (2) to (4) of the statutes are amended to read:

16 938.297 (2) DEFENSES AND OBJECTIONS BASED ON PETITIONS FOR CITATION.

17 Defenses If defenses and objections based on defects in the institution of proceedings,
18 lack of probable cause on the face of the petition or citation, insufficiency of the
19 petition or citation² or invalidity in whole or in part of the statute on which the
20 petition or citation is founded ~~shall be~~ are not raised ~~not later than~~ within 10 days
21 after the plea hearing ~~or be deemed, they are~~ waived. Other motions capable of
22 determination without trial may be brought any time before trial.

23 (3) SUPPRESSION OF EVIDENCE. Motions to suppress evidence as ~~having been~~
24 illegally seized or statements as ~~having been~~ illegally obtained shall be made before
25 fact-finding on the issues. The court may ~~entertain~~ consider the motion at the

1 fact-finding hearing if it appears that a party is surprised by the attempt to
2 introduce ~~such~~ the evidence and that party waives jeopardy. Only the juvenile may
3 waive jeopardy in cases under s. 938.12, 938.125, or 938.13 (12).

4 (4) PROPRIETY OF TAKING JUVENILE INTO CUSTODY Although the taking of a
5 juvenile into custody is not an arrest, it shall be considered an arrest for the purpose
6 of deciding motions which require a decision about the propriety of the taking into
7 custody, including ~~but not limited to~~ motions to suppress evidence as illegally seized,
8 motions to suppress statements as illegally obtained, and motions challenging the
9 lawfulness of the taking into custody.

10 SECTION 299. 938.297 (5) (title), (6) (title) and (7) (title) of the statutes are
11 created to read:

12 938.297 (5) (title) CONTINUATION IN CUSTODY IF MOTION TO DISMISS GRANTED.

13 (6) (title) SERVICE OF MOTION ON ATTORNEY.

14 (7) (title) ORAL ARGUMENT BY TELEPHONE.

15 SECTION 300. 938.299 (1) (title) of the statutes is created to read:

16 938.299 (1) (title) CLOSED HEARINGS; EXCEPTIONS.

17 SECTION 301. 938.299 (1) (am) of the statutes is amended to read:

18 938.299 (1) (am) Subject to s. 906.15, if a public hearing is not held, in addition
19 to persons permitted to attend under par. (a), a victim of a juvenile's act or alleged
20 act may attend any hearing under this chapter based upon the act or alleged act,
21 except that a judge the court may exclude a victim from any portion of a hearing
22 which that deals with sensitive personal matters of the juvenile or the juvenile's
23 family and which that does not directly relate to the act or alleged act committed
24 against the victim. A member of the victim's family and, at the request of the victim,

1 a representative of an organization providing support services to the victim, may
2 attend the hearing under this subsection.

3 **SECTION 302.** 938.299 (1) (ar) of the statutes is renumbered 938.299 (1) (ar) 1.
4 and amended to read:

5 938.299 (1) (ar) 1. Notwithstanding par. (a) and except under subd. 2., ^{as provided} the
6 general public may attend any hearing under this chapter relating to a juvenile who
7 has been alleged to be delinquent for committing a violation that would be a felony
8 if committed by an adult if the juvenile has been adjudicated delinquent previously
9 and that previous adjudication remains of record and unreversed or relating to a
10 juvenile who has been alleged to be delinquent for committing a violation specified
11 in s. 938.34 (4h) (a), ~~except that the.~~

12 2. The court shall exclude the general public from a hearing if the victim of a
13 sexual assault objects and may, in its discretion, exclude the general public from any
14 portion of a hearing ~~which~~ that deals with sensitive personal matters of the juvenile
15 or the juvenile's family and ~~which~~ that does not relate to the act or alleged act
16 committed by the juvenile or from any other hearing described in this paragraph.
17 If the court excludes the general public from a hearing described in this paragraph,
18 only those persons who are permitted under par. (a) or (am) to attend a hearing from
19 which the general public is excluded may attend.

20 **SECTION 303.** 938.299 (1) (b) of the statutes is amended to read:

21 938.299 (1) (b) Except as provided in par. (av) and s. 938.396, any person who
22 divulges any information ~~which~~ that would identify the juvenile or the family
23 involved in any proceeding under this chapter is subject to ch. 785. This paragraph
24 does not preclude a victim of the juvenile's act from commencing a civil action based
25 upon the juvenile's act.

1 **SECTION 304.** 938.299 (4) (title) of the statutes is created to read:

2 938.299 (4) (title) EVIDENTIARY RULES AT HEARINGS.

3 **SECTION 305.** 938.299 (4) (b) and (5) of the statutes are amended to read:

4 938.299 (4) (b) Except as provided in s. 901.05, ~~neither~~ common law ~~nor~~ and
5 statutory rules of evidence are not binding at a waiver hearing under s. 938.18, a
6 hearing for a juvenile held in custody under s. 938.21, a hearing under s. 938.296 (4)
7 for a juvenile who is alleged to have violated s. 940.225, 948.02, 948.025, 948.05, or
8 948.06, a hearing under s. 938.296 (5) for a juvenile who is alleged to have violated
9 s. 946.43 (2m), a dispositional hearing, or any postdispositional hearing under this
10 chapter. At those hearings, the court shall admit all testimony having reasonable
11 probative value, but shall exclude immaterial, irrelevant, or unduly repetitious
12 testimony, or evidence that is inadmissible under s. 901.05. Hearsay evidence may
13 be admitted if it has demonstrable circumstantial guarantees of trustworthiness.
14 The court shall give effect to the rules of privilege recognized by law. The court shall
15 apply the basic principles of relevancy, materiality, and probative value to proof of
16 all questions of fact. Objections to evidentiary offers and offers of proof of evidence
17 not admitted may be made and shall be noted in the record.

18 **(5) TELEPHONE OR LIVE AUDIOVISUAL HEARINGS.** On request of any party, unless
19 good cause to the contrary is shown, any hearing under s. 938.209 (1) (a) 5. or 938.21
20 (1) may be held on the record by telephone or live audiovisual means or testimony
21 may be received by telephone or live audiovisual means ~~as prescribed in~~ under s.
22 807.13 (2). The request and the showing of good cause for not conducting the hearing
23 or admitting testimony by telephone or live audiovisual means may be made by
24 telephone.

1 **SECTION 306.** 938.299 (6) (title), (7) (title), (8) (title) and (9) (title) of the statutes
2 are created to read:

3 938.299 (6) (title) ESTABLISHMENT OF PATERNITY WHEN MAN ALLEGES PATERNITY.

4 (7) (title) ESTABLISHMENT OF PATERNITY WHEN NO MAN ALLEGES PATERNITY.

5 (8) (title) TESTIMONY OF JUVENILE'S MOTHER RELATING TO PATERNITY.

6 (9) (title) AMERICAN INDIAN JUVENILE; TRIBAL COURT INVOLVEMENT.

7 **SECTION 307.** 938.299 (9) (a) and (b) of the statutes are amended to read:

8 938.299 (9) (a) If a petition under s. 938.12 or 938.13 (12) includes the
9 statement in s. 938.255 (1) (cr) 2. or if the court is informed during a proceeding under
10 s. 938.12 or 938.13 (12) that a petition relating to the delinquent act has been filed
11 in a tribe's court with respect to a juvenile to whom the circumstances specified in
12 s. 938.255 (1) (cr) 1. apply, the court shall stay the proceeding and communicate with
13 the tribal court in which the other proceeding is or may be pending to discuss which
14 court ~~may be~~ is the more appropriate forum.

15 (b) If the court and tribal court either mutually agree or agree under the terms
16 of an established judicial protocol applicable to the court that the tribal court ~~would~~
17 be is the more appropriate forum, the court shall dismiss the petition without
18 prejudice or stay the proceeding. The court's decision shall be based on the best
19 interests of the juvenile and of the public.

20 **SECTION 308.** 938.30 (1) (title) of the statutes is created to read:

21 938.30 (1) (title) TIME OF HEARING.

22 **SECTION 309.** 938.30 (2) of the statutes is amended to read:

23 938.30 (2) INFORMATION TO JUVENILE AND PARENTS; BASIC RIGHTS; SUBSTITUTION.

24 At or before the commencement of the hearing under this section the juvenile and
25 the parent, guardian, or legal custodian shall be advised of their rights as specified

1 in s. 938.243 and shall be informed that the hearing shall be to the court and that
2 a request for a substitution of judge under s. 938.29 must be made before the end of
3 the plea hearing or ~~be~~ is waived. Nonpetitioning parties, including the juvenile, shall
4 be granted a continuance of the plea hearing if they wish to consult with an attorney
5 on the request for a substitution of a judge.

6 **SECTION 310.** 938.30 (3) (title) and (4) (title) of the statutes are created to read:

7 938.30 (3) (title) JUVENILE IN NEED OF PROTECTION OR SERVICES PROCEEDING;
8 POSSIBLE PLEAS.

9 (4) (title) DELINQUENCY AND CIVIL LAW OR ORDINANCE PROCEEDINGS; POSSIBLE
10 PLEAS.

11 **SECTION 311.** 938.30 (4) (a), (bm) and (c) of the statutes are amended to read:

12 938.30 (4) (a) Admit some or all of the facts alleged in the petition or citation,
13 ~~however, such a.~~ This plea is an admission only of the commission of the acts and does
14 not constitute an admission of delinquency.

15 (bm) Plead no contest to the allegations, ~~but only~~ if the court permits the
16 juvenile to enter that plea.

17 (c) ~~Except pursuant to~~ in the case of a petition or citation under s. 938.125, state
18 that he or she is not responsible for the acts alleged in the petition by reason of mental
19 disease or defect. This plea shall be joined with an admission under par. (a), a denial
20 under par. (b) ⁽²⁾ or a plea of no contest under par. (bm).

21 **SECTION 312.** 938.30 (4m) of the statutes is renumbered 938.30 (4m) (intro.)
22 and amended to read:

23 938.30 (4m) COURT TO INQUIRE ABOUT NOTICE TO VICTIMS. (intro.) Before
24 accepting a plea under sub. (4) in a proceeding in which a juvenile is alleged to be
25 delinquent under s. 938.12 or to be in need of protection or services under s. 938.13

all &
1 (12), the court shall inquire of the district attorney or corporation counsel whether
2 he as to the following:

3 (a) Whether he or she has complied with ~~s. ss.~~ 938.265 and ~~whether he or she~~
4 ~~has complied with s. 938.27 (4m), whether any.~~

5 (b) Whether any of the known victims requested notice of the date, time, and
6 place of the plea hearing and, if so, whether the district attorney or corporation
7 counsel provided ~~to the victim that~~ notice of the date, time and place of the hearing.

8 **SECTION 313.** 938.30 (5) (title) of the statutes is created to read:

9 938.30 (5) (title) NOT COMPETENT OR NOT RESPONSIBLE.

10 **SECTION 314.** 938.30 (5) (a) 2., (c) (intro.) and (d) (intro.) of the statutes are
11 amended to read:

12 938.30 (5) (a) 2. If the juvenile denies the allegations in the petition or citation,
13 the court shall hold a fact-finding hearing on the allegations in the petition or
14 citation as provided under s. 938.31. If, ~~at the end of the fact-finding~~ after the
15 hearing, the court finds that the allegations in the petition have been proven, the
16 court shall immediately hold a hearing to determine whether the juvenile was not
17 responsible by reason of mental disease or defect.

18 (c) (intro.) If the court finds that the juvenile was not responsible by reason of
19 mental disease or defect, as described under s. 971.15 (1) and (2), the court shall
20 dismiss the petition with prejudice and ~~shall also~~ do one of the following:

21 (d) (intro.) If the court finds that the juvenile is not competent to proceed, as
22 described in s. 971.13 (1) and (2), the court shall suspend proceedings on the petition
23 and ~~shall also~~ do one of the following:

24 **SECTION 315.** 938.30 (5) (e) 1. of the statutes is renumbered 938.30 (5) (e) 1.
25 (intro.) and amended to read:

1 938.30 (5) (e) 1. (intro.) A juvenile who is not competent to proceed, as
2 described in s. 971.13 (1) and (2), but who is likely to become competent to proceed
3 within 12 months or within the time period of the maximum sentence that may be
4 imposed on an adult for the most serious delinquent act with which the juvenile is
5 charged, whichever is less, and who is committed under s. 51.20 following an order
6 under par. (d) 1. or who is placed under a dispositional order following an order under
7 par. (d) 2., shall be periodically reexamined with written reports of those
8 reexaminations to be submitted to the court every 3 months and within 30 days
9 before the expiration of the juvenile's commitment or dispositional order. Each
10 report shall indicate ~~either that the~~ one of the following:

11 a. That the juvenile has become competent, ~~that the~~

12 b. That the juvenile remains incompetent but that attainment of competence
13 is likely within the remaining period of the commitment or dispositional order ~~or that~~
14 the

15 c. That the juvenile has not made such progress that attainment of competency
16 is likely within the remaining period of the commitment or dispositional order.

17 **SECTION 316.** 938.30 (6) (title) of the statutes is created to read:

18 938.30 (6) (title) UNCONTESTED PETITIONS; DISPOSITION.

*of the juvenile and the
juvenile's parents*

19 **SECTION 317.** 938.30 (6) (b) and (c) and (7) of the statutes are amended to read:

20 938.30 (6) (b) If it appears to the court that disposition of the case may include
21 placement of the juvenile outside the juvenile's home, the court shall order the
22 juvenile's parent to provide a statement of ~~the juvenile's and the juvenile's parent's~~
23 ^{the} income, assets, debts, and living expenses, ~~to the court or the designated agency~~
24 under s. 938.33 (1) at least 5 days before the scheduled date of the dispositional
25 hearing or as otherwise ordered by the court. The clerk of court shall provide,

1 without charge, to any parent ordered to provide a that statement of income, assets,
2 debts and living expenses a document setting forth the percentage standard
3 established by the department of workforce development under s. 49.22 (9) and
4 listing the factors that a court may consider under s. 301.12 (14) (c). the

5 (c) If the court orders the juvenile's parent to provide a statement of income,
6 assets, debts, and living expenses of the juvenile and juvenile's parent to the court
7 or if the court orders the juvenile's parent to provide that statement to the designated
8 agency under s. 938.33 (1) and that the designated agency is not the county
9 department, the court shall also order the juvenile's parent to provide that the
10 statement to the county department at least 5 days before the scheduled date of the
11 dispositional hearing or as otherwise ordered by the court. The county department
12 shall provide, without charge, to the parent a form on which to provide that the
13 statement, and the parent shall provide that the statement on that the form. The
14 county department shall use the information provided in the statement to determine
15 whether the department may claim federal foster care and adoption assistance
16 reimbursement under 42 USC 670 to 679a for the cost of providing care for the
17 juvenile.

shall stats. as well as the parent
NOTE: Provides, in s. 938.30 (6) (c), that the statement of income, assets, debts, and
living expenses should indicate those of the parent and the juvenile.

18 (7) CONTESTED PETITIONS OR CITATIONS: DATE FOR FACT-FINDING HEARING. If the
19 petition or citation is contested, the court shall set a date for the fact-finding hearing
20 which that allows a reasonable time for the parties to prepare but is no more than
21 20 days from the plea hearing for a juvenile who is held in secure custody and no more
22 than 30 days from the plea hearing for a juvenile who is not held in secure custody.

23 SECTION 318. 938.30 (8) (title) of the statutes is created to read:

1 938.30 (8) (title) ADMISSION OR NO CONTEST PLEA; INQUIRIES REQUIRED.

2 **SECTION 319.** 938.30 (8) (b) and (9) of the statutes are amended to read:

3 938.30 (8) (b) Establish whether any promises or threats were made to elicit
4 a plea and alert explain to unrepresented parties to the possibility that a lawyer may
5 discover defenses or mitigating circumstances ~~which~~ that would not be apparent to
6 them.

7 **(9) HEARINGS CONDUCTED BY COURT COMMISSIONER; COURT TO REVIEW.** If a circuit
8 court commissioner conducts the plea hearing and accepts an admission of the
9 alleged facts in a petition brought under s. 938.12 or 938.13, the ~~judge~~ court shall
10 review the admission at the beginning of the dispositional hearing by addressing the
11 parties and making the inquires ~~set forth in~~ under sub. (8).

12 **SECTION 320.** 938.30 (10) (title) of the statutes is created to read:

13 938.30 (10) (title) TELEPHONE OR LIVE AUDIOVISUAL PARTICIPATION.

14 **SECTION 321.** 938.31 (1) (title), (2) (title) and (4) (title) of the statutes are
15 created to read:

16 938.31 (1) (title) DEFINITION.

17 **(2) (title) HEARING TO THE COURT; PROCEDURES.**

18 **(4) (title) FINDINGS BY COURT.**

19 **SECTION 322.** 938.31 (7) of the statutes is amended to read:

20 938.31 (7) DATE FOR DISPOSITIONAL HEARING. (a) At the close of the fact-finding
21 hearing, the court shall set a date for the dispositional hearing ~~which~~ that allows a
22 reasonable time for the parties to prepare but is no more than 10 days after the
23 fact-finding hearing for a juvenile in secure custody and no more than 30 days after
24 the fact-finding hearing for a juvenile not held in secure custody. If all parties
25 consent, the court may immediately proceed with a dispositional hearing.